IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 5726 OF 2005

Harshal Digambar Gawand ..Petitioner.

Vs.

The Thane Municipal Corpn. & Anr. ..Respondents.

Mr. S.M. Oak i/by M.J. Bhat for the Petitioner.
Mr. R.S. Apte for Respondent Nos. 1 and 2.

CORAM : F.I. REBELLO AND
Dr.D.Y.CHANDRACHUD,JJ.

DATED : 06TH FEBRUARY, 2006.

P.C.:

1. Rule. Heard forthwith.

2. The petitioner has approached this court in the matter of Respondent No.1 constructing the toilet block. After hearing the parties, on behalf of Respondent Nos.1 and 2, the learned counsel states that they have instructions that the Respondent No. 1 is willing to demolish the toilet block and reconstruct the toilet block elsewhere on the petitioner herein depositing with the corporation the amount that will be determined by this court.

3. Considering the arguments advanced before this

court, we feel that the petitioner should deposit with the Respondent No.1 a sum of Rs.75,000/- (Rs. Seventy-five thousand only). The petitioner wants four months time to make the deposit. Time granted.

4. On the petitioner's depositing with the Respondent No.1 a sum of Rs.75,000/- on or before 31st May, 2006, the Respondent No.1 to demolish the toilet block and reconstruct the same elsewhere. It is made clear that by that date, if the said amount is not deposited, it will be open for the Respondent No.1 to complete the construction as presently constructed.

5. Rule is made absolute accordingly with no order as to costs.

6. Petition is disposed of.

06.02.2006 (F.I.Rebello,J)

(Dr.D.Y. Chandrachud,J)

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